

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ABBY BEREKET, individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 PORTFOLIO RECOVERY ASSOCIATES,
14 LLC and JOHN DOES 1-25,

15 Defendants.

CASE NO. C17-812 RSM

ORDER GRANTING UNOPPOSED
MOTION TO DECERTIFY AND SEND
NOTICE TO THE CLASS AND DISMISS
INDIVIDUAL CLAIMS

16 This matter is before the Court on Plaintiff's Unopposed Motion to Decertify and Send
17 Notice to the Class and Dismiss Individual Claims. Dkt. #77. Plaintiff indicates that a recent
18 opinion by the United States Court of Appeals for the Ninth Circuit has "effectively rendered
19 Plaintiff Abby Bereket's claims . . . no longer viable." *Id.* at 1 (citing *Stimpson v. Midland Credit*
20 *Mgmt., Inc.*, 944 F.3d 1190 (9th Cir. 2019)). Accordingly, Plaintiff asks that the Court "decertify
21 the Class and to provide notice of decertification, including information to Class members about
22 their rights to file individual suits and the applicable statutes of limitations. Plaintiff further
23 moves to dismiss his individual claims with prejudice." *Id.*

24 Having considered the unopposed motion and the remainder of the record, the Court finds
and ORDERS as follows:

1. Within 45 days of this Order, Plaintiff's counsel SHALL provide notice, to all members of the certified class, of the Court's action in a form substantially like the proposed "Notice of Decertification of Class Action and Need to Take Action to Preserve Claims" (Dkt. #78 at 5–6).
2. The Court DECERTIFIES the class previously certified in the Court's November 30, 2018 Order Granting Plaintiff's Motion for Class Certification and Denying Defendant's Motion for Leave to File Counterclaim and Third-Party Complaint (Dkt. #66 at 2–3).
3. All of Plaintiff's claims, as asserted in Plaintiff's Complaint (Dkt. #1) are DISMISSED with prejudice.
4. This matter is CLOSED.

Dated this 13th day of April, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE